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09/854,962	05/14/2001	Ioannis Kriaras	3-11-9-7	8820

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EXAMINER

PHAN, TRI H

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,962

Applicant(s)

KRIARAS ET AL.

Examiner

Tri H. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the Response/Amendment filed on October 31st, 2005. Claim 4 is now canceled. Claims 1-3 and 5-11 are now pending in the application.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. Claims 1 and 10-11 are objected to because of the following informalities:
 - In claim 1, line 8, the word “form” after the word “and” is a typographical error; it should be correct to -- from --. Also in claim 1, line 11, the word “header” in front of the term “of the data stream” should be correct to -- header --.
 - In claim 10, line 14, the word “he” in front of the word “radio” is a typographical error; it should be correct to -- the --.
 - In claim 11, line 14, the word “he” in front of the word “system” is a typographical error; it should be correct to -- the --. Also in claim 11, line 11, the word “header” in front of the term “of the data stream” should be correct to -- header --.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In regard to claim 8, line 1, the recitation “wherein the comprising” is vague and indefinite because it is unclear whether the limitation refers to and which would renders the claim indefinite.

- Regarding claim 10 (lines 11, 13 and 16), it recites the limitation “said second gateway”. There are insufficient antecedent bases for this limitation in the claim 10.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 5-7, 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by **Sieppi, Jukka** (U.S.6,577,637; hereinafter refer as ‘Sieppi’).

- In regard to claim 1, Sieppi discloses, *a mobile radio system comprising a plurality of mobile stations linked to a radio network controller ('MS, BSC, MSC'; for example see figure 7A); a first network comprising at least one of a plain switched telephone network and an integrated services digital network ('PSTN' and 'ISDN'; for example see figure 5; col. 1, lines 32-44); a second network comprising a public internet system ('Internet'; for example see figure 5); a first real time media gateway providing access to and from the first network ('GMSC'; for example see figure 5 wherein data and voice are 'real time media'), a second real time media gateway providing access to and from the second network ('DAU'; for example see figure 9; col. 12, lines 26-32 where the DAU supports the internet telephone server program for the connection as disclosed in col. 10, lines 1-6), and a third general packet radio system 'GPRS' specific gateway providing access to and from the second network ('SGSN, GGSN, GPRS'; for example see figure 10; col. 4, lines 44-47); and an internet protocol connection system which responds to the address in the headers of the data stream flowing between the radio network controller and its destination to direct the data stream to its destination through one of said first, second and third gateways, selected in accordance with the nature of the data in the stream (for example see figures 3-5, 9; col. 12, lines 26-50; col. 13, lines 24-26; col. 16, lines 32-36) whereby real time data is directed through either said first or said second gateway without passing through said third gateway (where the call goes through Internet or PSTN without passing the GPRS gateway for cost effective and efficient as disclosed in col. 4, lines 57-60), wherein the first and second gateways comprise a common gateway (for example see figures 1, 5 wherein the GMSC and DAU are in the same domain network, e.g. "common gateway").*

- Regarding claims 5 and 7, in addition to features in the method of the base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), Sieppi further discloses, *wherein the path from the radio network controller to the third gateway involves a serving GPRS service node 'SGSN' and the third gateway is a gateway GPRS support node 'GGSN'* (for example see figure 10; col. 4, lines 36-47).

- In regard to claim 6, in addition to features in the method of the base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), Sieppi further discloses, *wherein the internet protocol connection system comprises a public land mobile telephone network internet protocol core network ('PLMN'; for example see col. 6, lines 51-53).*

- In regard to claim 9, in addition to features in the method of the base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), Sieppi further discloses about *the call control server for controlling calls between third gateway and second network* ('determining means SSTDM' in figure 1, with the use of ITU H.245 control signals as disclosed in col. 10, lines 12-15; in selecting connection as disclosed in col. 9, lines 40-43).

- Regarding claim 11, Sieppi discloses, *a mobile radio system comprising a plurality of mobile stations linked to a radio network controller ('MS, BSC, MSC'; for example see figure 7A); a first network comprising at least one of a plain switched telephone network and an integrated services digital network ('PSTN' and 'ISDN'; for example see figure 5; col. 1, lines*

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32-44); *a second network comprising a public internet system* ('Internet'; for example see figure 5); *a first real time media gateway providing access to and from the first network* ('GMSC'; for example see figure 5 wherein data and voice are 'real time media'), *a second real time media gateway providing access to and from the second network* ('DAU'; for example see figure 9; col. 12, lines 26-32 where the DAU supports the internet telephone server program for the connection as disclosed in col. 10, lines 1-6), *and a third general packet radio system (GPRS) specific gateway providing access to and from the second network* ('SGSN, GGSN, GPRS'; for example see figure 10; col. 4, lines 44-47); *and an internet protocol connection system which responds to the address in the headers of the data stream to its destination through a one of said first, second and third gateways, selected in accordance with the nature of the data in the stream* (for example see figures 3-5, 9; col. 12, lines 26-50; col. 13, lines 24-26; col. 16, lines 32-36) *whereby real time data is directed through either said first and second gateway without passing through said third gateway* (where the call goes through Internet or PSTN without passing the GPRS gateway for cost effective and efficient as disclosed in col. 4, lines 57-60), *the system including a call control server for controlling calls between said third gateway and said second network* ('determining means SSTDM' in figure 1, with the use of ITU H.245 control signals as disclosed in col. 10, lines 12-15; in selecting connection as disclosed in col. 9, lines 40-43).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sieppi, Jukka** (U.S.6,577,637).

- Regarding claims 2 and 3, in addition to features in the method of base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), Sieppi further discloses about the *time division multiplexing to real time media gateway* (for example see figure 7A; col. 2, lines 51-55 wherein data and voice are 'real time media'). Sieppi does disclose about the SGSN-GGSN and DAU for supporting the connection in different types of telecommunication system as disclosed in col. 6, lines 51-52; and with the internet telephone server program as disclosed in col. 10, lines 1-6; wherein data and voice are 'real time media'; but fails to explicitly disclose about *real time transport protocol*. However, official notice is taken in that the *real time transport protocol* is well known in the art for supporting in transport media through the Internet.

Therefore, it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to include the use of *real time transport protocol* in the Sieppi's telecommunication system, as system engineering choices for transporting media over Internet.

10. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sieppi, Jukka** (U.S.6,577,637) in view of **Barany et al.** (U.S.6,434,140; hereinafter refer as '**Barany**').

- Regarding claims 8-9, in addition to features in the method of the base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), Sieppi does disclose about

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the switching means, e.g. BSC and MSC, for controlling the switching among the connections as disclosed in col. 2, lines 55-57; but explicitly lacks what Barany discloses about the *media gateway controller* ('MGC'; for example see figure 2; col. 4, lines 7-11). It notes that Barany also discloses about the call agent 'CA' or 'SG' for signaling call control, e.g. "*call control server*" as claimed in claim 9.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the "*media gateway controller*" as taught by Barany into the Sieppi's switching means, with the motivation being to improve the ability to support both signaling and bearer traffic through the gateway as disclosed in Barany: col. 3, lines 50-53.

- In regard to claim 10, Sieppi discloses, *a mobile radio system comprising a plurality of mobile stations linked to a radio network controller* ('MS, BSC, MSC'; for example see figure 7A); *a first network comprising at least one of a plain switched telephone network and an integrated services digital network* ('PSTN' and 'ISDN'; for example see figure 5; col. 1, lines 32-44); *a second network comprising a public internet system* ('Internet'; for example see figure 5); *a first real time media gateway providing access to and from the second network* ('DAU'; for example see figure 9; col. 12, lines 26-32 where the DAU supports the internet telephone server program for the connection as disclosed in col. 10, lines 1-6), *a third general packet radio system 'GPRS' specific gateway providing access to and from the second network* ('SGSN, GGSN, GPRS'; for example see figure 10; col. 4, lines 44-47); *and an internet protocol connection system which responds to the address in the headers of the data stream flowing between the radio network controller and its destination to direct the data stream to its destination through a*

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one of said first, second and third gateways, selected in accordance with the nature of the data in the stream (for example see figures 3-5, 9; col. 12, lines 26-50; col. 13, lines 24-26; col. 16, lines 32-36) whereby real time data is directed through either said first one said second gateway without passing through said third gateway (where the call goes through Internet or PSTN without passing the GPRS gateway for cost effective and efficient as disclosed in col. 4, lines 57-60), wherein the path from the radio network controller to the third gateway involves a serving GPRS service node 'SGSN' (for example see figure 10; col. 4, lines 36-47).

Sieppi does disclose about the switching means, e.g. BSC and MSC, for controlling the switching among the connections as disclosed in col. 2, lines 55-57; but explicitly lacks what Barany discloses about the *media gateway controller* ('MGC'; for example see figure 2; col. 4, lines 7-11). It notes that Barany also discloses about the call agent 'CA' or 'SG' for signaling call control, e.g. "*call control server*" as claimed in claim 9.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the "*media gateway controller*" as taught by Barany into the Sieppi's switching means, with the motivation being to improve the ability to support both signaling and bearer traffic through the gateway as disclosed in Barany: col. 3, lines 50-53..

Response to Amendment/Arguments

11. Applicant's arguments filed on October 31st, 2005 with respect to claims 1-3 and 5-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vilander et al. (U.S.6,553,219) and **Davidson et al.** (U.S.6,577,862) are all cited to show devices and methods for improving mobile Internet access system in the telecommunication architectures, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

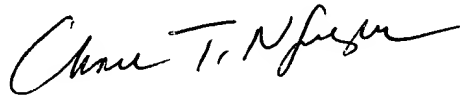
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan
February 13, 2006



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